

NEGOTIATED RULEMAKING LANGUAGE FROM BRETT MCCARTY
October 2, 2006

Line 122 Dry Hole Well

Suggest changing to:

Unusable Water Well. An “unusable water well” is a constructed borehole intended for groundwater production that, for any reason, fails to produce an adequate quantity or quality of water to support its intended use.

(The idea here is to establish the basis for the abandonment of a dry hole and the responsibility of the land owner to demonstrate to the department why he or she should be allowed to keep such a borehole ie. future plans to deepen or hydro-frac the well at a later date. The department should inventory such wells and endeavor to have them abandoned if nothing is done to improve the well after a determinable length of time (2 years?))

Then we must add to line 34 01 Abandoned Well, a ppg. That reads:

Any “unusable well” or dry hole, constructed for the purpose of appropriating ground water that fails to meet domestic needs and produces less than 50 gallons per day or .03 gpm, shall be abandoned within 24 months unless the land owner can demonstrate that further modifications to the well will likely improve the productivity of the well and render it to a useful state.

(If this ppg is inappropriate in the definitions section it could be placed after line 245 under General, Unusable Well Abandonment

Line 263 Suggest changing to:

The Well Driller (or Well Designer, if different) shall design and construct

Line 265 Suggest changing to: each well based on.....

Line 268 ii Comment: (this language could be construed to read that if a land owner requires any amount of water, the driller is bound by law to provide it, subject to the maximum amount allowed by the domestic drilling permit) Suggest changing to:

ii. each well to produce the maximum amount of ground water available, where obtainable, and strive to provide sufficient quantity to support domestic needs, subject to law;

Line 271 iii Comment: (the land owner must play a role in identifying the location of septic drainfields and share in the responsibility of accurately identifying them) Suggest inserting an additional ppg. at the end that reads:

The Well Driller shall endeavor to identify all septic drain-fields and other listed contamination sources. The responsibility for such site identification shall be ultimately born by the land owner and/or the appropriate Health District.

Line 1022 Suggest inserting: shall *endeavor to* install....

Question: Line 1031 regarding development. What does the department intend to do if a well produces sand? Will it fine the driller, or render the well to be repaired or deepened, force the owner to abandon the well? Does this language protect the resource? How? Or is it intended to protect the consumer? The language is taken from books that outline practices, but is it appropriate for this rule? How will it be enforced?

Line 1219 typo precaution – precaution

Line 1252 c. No Way!!! The drilling community recognizes that there will not be any waivers given by these departments and we agreed earlier that they would provide a MOU recognizing IDWR's provision to waive their minimums. Section c. must be stricken.

Line 1293 036-039 AREA OF GEOLOGIC CONDITION (heere's my rendition)

The Director may designate an "Area of Geologic Condition" to effect a change in current well construction practices that protects public health, or enhances the longevity of a constructed domestic well, such as requiring deeper surface seals, or steel liner rather than PVC liner, or other construction procedures determined to be practical in a given area.

The designation shall be applied in areas where repeated problems exist due to unique geologic conditions where standard practices and procedures fall short of attaining acceptable standards for public health and safety or protection of ground water resources, and modified procedures become necessary.